

MINUTE of MEETING of the COUNCIL EXECUTIVE held within MS TEAMS VIRTUAL MEETING ROOM, on 9 FEBRUARY 2021.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Frank Anderson, Willie Boyle (substituting for Councillor Janet Campbell), Harry Cartmill, Tom Conn, David Dodds, Damian Doran-Timson, Peter Heggie, Chris Horne, Charles Kennedy, Cathy Muldoon and George Paul

Apologies – Councillor Janet Campbell

1 DECLARATIONS OF INTEREST

Agenda Item 6 - 2020/21 General Fund Revenue Budget – Month 9 Monitoring Report

Councillor Chris Horne declared an interest in that he was a council appointed member to the Board of West Lothian Leisure, for which a special dispensation from the Standards Commission applied, so he would participate in the item of business.

Councillor Tom Conn declared an interest in that he was a council appointed member to the Board of West Lothian Leisure, for which a special dispensation from the Standards Commission applied, so he would participate in the item of business.

2 ORDER OF BUSINESS

1. Council Executive noted that agenda items 15 to 18 were for information only and agreed that in accordance with Standing Order 5(3) they were to be taken as read and their recommendations approved without any further consideration.
2. The Chair ruled in terms of Standing Order 7 that there was an additional item of business (Item 19 - Scheme of Elected Members' Remuneration, Allowances and Reimbursement of Expenses) which had been circulated to members and which he considered to be urgent as it had not been circulated with the original agenda due to oversight. The item would be considered after agenda item 14.
3. Agenda Item 6 - 2020/21 General Fund Revenue Budget - Month 9 Monitoring Report - The Chair ruled in terms of Standing Order 28 regarding recommendation B2 that there had been a material change in circumstances since decision was taken on 18 August 2020 to set aside £994,000 from reserves to go towards the 2020/21 forecast overspend. The basis for that was in Part D1 paragraph 3 of the report and related to new budget monitoring information and forecasts and Scottish Government finance

settlement. The recommendation was now to use that money for the budgets for 2021/22 and 2022/23. The Chair also explained that recommendation B6 was not related to a previously agreed budget saving measure and therefore was competent.

4. Agenda Item 10 - The Vennel Update - The Chair ruled in terms of Standing Order 28 regarding recommendations B2 and B3 that there had been a material change of circumstances since Council Executive's decision on 6 October 2020. The basis for the ruling was set out on Part D3.1.

3 MINUTE

The Council Executive approved the minute of its meeting held on 19 January 2021.

4 LEARNING ESTATE INVESTMENT PROGRAMME UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) and the Head of Finance and Property Services providing an update on the outcomes of the council's submission for proposed projects for inclusion in Phase Two of the Learning Estate Investment Programme funding programme, outlining feasibility work on the identified priority (schools for the future) projects which were not successful in the bid and providing an update on the progress of developing the new Learning Estate Strategy and Learning Estate Management Plan.

It was recommended that the Council Executive:

1. Note the confirmed inclusion of East Calder Primary School as part of Phase Two of the Learning Estate Investment Programme with Deans, Eastertoun and St Joseph's Primary Schools not being included;
2. Approve the undertaking of further feasibility assessments and appraisals for alternative investment proposals at Deans, Eastertoun, and St Joseph's Primary Schools, and the associated budgets, as set out in the report;
3. Note that updates will be provided, on the outcome of the feasibility assessments and appraisals at Deans, Eastertoun and St Josephs;
4. Note the initial assessment outcomes for Riverside and Letham Primary Schools which had been previously identified as emerging priority projects and agree to progress with detailed options

appraisals and business case development for their replacement;
and

5. Note the progress, proposed timescales and governance arrangements for the Learning Estate Strategy and Learning Estates Management Plan.

Decision

To approve the terms of the report.

5 2020/21 GENERAL FUND REVENUE BUDGET – MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the outcome of the General Fund revenue budget monitoring exercise at month 9, including an update on recurring budget pressures and delivery of approved budget savings for the period 2020/21 to 2022/23.

It was recommended that the Council Executive:

1. Note that the outcome of the month 9 monitoring exercise was a breakeven position, after accounting for all currently confirmed funding from Scottish Government;
2. Agree that £994,000, from the General Fund Balance, which had been previously earmarked for managing the projected 2020/21 overspend should be considered as part of the revenue budget report for 2021/22 and 2022/23;
3. Note the recurring pressures of £1.294 million, and the agreed actions being progressed to mitigate those pressures;
4. Note the good progress in delivery of approved budget savings for 2020/21 to 2022/23;
5. Agree to approve payment of £457,000 to West Lothian Leisure (WLL) for the proportion of additional government grant funding the council had received that related to WLL lost income
6. Agree the proposed allocation of the flexible fund for welfare and social support of £506,000 as set out in section D.2.15 of the report and in Appendix 4;
7. Agree that Heads of Service take all management action necessary to ensure, wherever possible, that 2020/21 expenditure

was managed within budgeted resources; and

8. Agree that officers should continue to engage with Scottish Government and COSLA around further government funding for the council so that additional costs which would be incurred in relation to Covid-19 were fully funded.

Decision

To approve the terms of the report.

6 2020/21 GENERAL SERVICES CAPITAL BUDGET – MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the financial position in relation to the General Services capital programme following the completion of the month 9 monitoring exercise.

It was recommended that the Council Executive:

1. Note the outcome of the month 6 monitoring exercise and the projected outturn;
2. Agree that Asset Lead Officers and the Head of Finance and Property Services keep under review factors that impact on delivery of the approved capital programme; and
3. Note the progress on the delivery of the overall programme.

Decision

To approve the terms of the report.

7 SCOTTISH DRAFT BUDGET 2021 AND LOCAL GOVERNMENT FINANCE SETTLEMENT 2021/22

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the Scottish Draft Budget presented to the Scottish Parliament on 28 January 2021, and the local government finance settlement for 2021/22, as published in Finance Circular 1/2021 dated 1 February 2021.

It was recommended that the Council Executive:

1. Note the issue of the Scottish Draft Budget 2021/22, which includes Scottish Government departmental spending plans for

2021/22;

2. Note the outcome of the local government finance settlement in respect of revenue and capital funding for 2021/22;
3. Note that the anticipated revenue grant funding for West Lothian contained in the settlement, including assumed recurring items yet to be distributed, was £354.334 million;
4. Note the general capital grant of £12.640 million was £4.712 million less than budgeted, with £802,000 ring fenced capital funding for Cycling, Walking and Safer Streets in 2020/21;
5. Note that COSLA has described the revenue grant funding package set out by the Scottish Government as falling short of the fair funding required for Local Government to meet unavoidable cost pressures and that, as a result, significant budget savings would be required in 2021/22;
6. Note the net reduction in core revenue funding to the council since 2014/15 and the significant savings that had been required since 2007/08;
7. Agree that the Head of Finance and Property Services updates the 2021/22 revenue budget report taking account of the outcome of the finance settlement and latest circumstances and updated the capital programme taking account of latest funding position and circumstances; and
8. Agree that the Head of Finance and Property Services should keep the position regarding Scottish Government funding under review and report to elected members on any developments.

Decision

To approve the terms of the report.

8

CIPFA FINANCIAL MANAGEMENT CODE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing a summary of the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code and outlining proposed officer responses which demonstrated compliance with the financial management standards set out in the code, as well as a suggested action plan to ensure full compliance with the code by 2021/22.

It was recommended that the Council Executive:

1. Note the CIPFA Financial Management Code;
2. Agree that the council would comply with the code by financial year 2021/22;
3. Note the financial management standards and key messages included in the code;
4. Note the officer responses to demonstrate how existing processes in the council met the standards of the code; and
5. Approve the action plan to ensure full compliance with the code by 2021/22.

Decision

To approve the terms of the report.

9 THE VENNEL UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on proposals for development at the Vennel, Linlithgow.

It was recommended that the Council Executive:

1. Note that the Planning Guidance approved by Council Executive 6 October 2020 and formally adopted on 27 November 2020 establishes a framework for all future development proposals associated with the Vennel, Linlithgow to be considered;
2. Approve the proposed development framework, the outline key stages and proposed timescales together with governance arrangements;
3. Approve the proposed approach to stakeholder engagement recognising the various interests involved; and
4. Note the intention to seek expressions of interest from appropriate development partners with a closing date of 31 March 2021; and
5. Note the significance and complex nature of the area to be developed and therefore the timescales and resources initially estimated to progress and deliver viable development proposals.

Decision

To approve the terms of the report.

10 UPDATE – LOCAL BUS CONTRACTS AND COMMUNITY TRANSPORT PROVISION

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services providing an update on the further impact of COVID 19 on the timescales for implementation of the Total Transport Review (TTR) outcomes and to inform the next steps required.

It was recommended the Panel:

1. Note the further impact of COVID 19 on the local bus network and the implementation of the TTR outcomes;
2. Instruct officers to progress the extension of local bus contracts; and
3. Instruct officers to progress with community transport related TTR outcomes separate from the revised contract review period and commence a community bus pilot.

Decision

To approve the terms of the report.

11 PLANNING GUIDANCE ON THE HISTORIC ENVIRONMENT & PLANNING GUIDANCE FOR THE MANAGEMENT AND AFTER USE OF SOILS ON DEVELOPMENT SITES

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of consultation on draft Planning Guidance related to West Lothian's historic environment and on draft Planning Guidance related to the management and after-use of soils on development sites and seeking approval of the guidance.

It was recommended that the Council Executive:

1. Approve the responses to the comments received during consultation on the draft Planning Guidance on the Historic Environment (Appendix 1);
2. Approve the content of the revised Planning Guidance on the Historic Environment (Appendix 2);

3. Approve the responses to the comments received during consultation on the draft Planning Guidance for the Management and After-use of Soils on Development Sites (Appendix 3);
4. Approve the content of the revised Planning Guidance on the Management and After-use of Soils on Development Sites (Appendix 4);
5. Approve the 'Screening Reports' for Planning Guidance on the Historic Environment (Appendix 5) and Planning Guidance on the Management and After-use of Soils on Development Sites (Appendix 6) which were to be submitted to SEA Gateway and the Consultation Authorities and which set out the council's justification that the guidance was exempted from additional Strategic Environmental Assessment because they would not in themselves have any significant environmental effects and there were no additional environmental effects not previously considered in the SEA for the LDP; and
6. Delegate authority to the Head of Planning, Economic Development and Regeneration to issue a 'Screening Determination' in the event that SEA Gateway and the Consultation Authorities confirm their agreement that the guidance would not in itself have any significant environmental effects, and, where the SEA Gateway and the consultation authorities agreed that a SEA was required, to report matters to a future meeting of the Council Executive.

Decision

To approve the terms of the report.

12 NATIONAL PLANNING FRAMEWORK 4 POSITION STATEMENT

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising members of publication by Scottish Government of a Position Statement on National Planning Framework 4 (NPF4) for informal consultation and to set out the council's response to that consultation.

It was recommended that the Council Executive:

1. Note the terms of the report; and
2. Agree the response as set out in Appendix 2 for submission to

Scottish Government as the council's response to the consultation.

Motion

The public have gained a greater appreciation of nature during lockdown as evidenced in the wide media.

The British Trust for Ornithology established that in the last decades of the 20th century, 44 million birds have gone from the British countryside. Birds are warm-blooded invertebrates, high in the food chain, and are rooted in the wide divergence of small mammal, insect and plant communities. For many people they conjure up a great sense of pleasure and conversely sadness in loss of numbers and species with many being re-designated as 'red list' status.

Also, a vanishingly small amount of ancient woodland and hedges remain in Scotland not assisted by the little protection given by Scottish Planning Policy which is determined by Scottish Government. In this regard, ancient woodland is arbitrarily defined as woodland in which trees have grown for over 400 years and that in that period a rare and special ecology has evolved. Bacterial and fungal infection is waging war on our woodlands and in urban areas of West Lothian from pressure for housing development.

Over the last four decades, national and devolved governments in the UK have retreated extensively from state policy and protection of nature. It is left to voluntary agencies which require charitable and membership funds aided by caring volunteers to act as lead players.

Therefore, Council Executive agrees:

- To approve the recommendations in the report
 - To instruct the Chief Executive to write to the First Minister to request that Scottish Government without delay, in the vein of this amendment, introduce updated Scottish Planning Policy to give absolute protection to ancient woodland and hedges, and for developments exceeding 0.25 hectares, provide an ecological report carried out at a time of year when plant/mammal/insect and bird life are most readily identifiable.
- Moved by the Chair and seconded by Councillor Cathy Muldoon.

Decision

To unanimously approve the terms of the motion.

13 WEST LOTHIAN STATUTORY RETURN TO SCOTTISH GOVERNMENT
ON PUBLIC BODY REPORTING ON BIODIVERSITY DUTY: 2018–2020

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking members' agreement on the council's report on West Lothian Council's Biodiversity Duty for the three-year period between 2018–2020 and for its submission to the Scottish Government.

It was recommended that the Council Executive:

1. Note the contents of the general review of West Lothian's commitment to biodiversity (as detailed in Appendix 1);
2. Agree to forward the report to the Scottish Government as evidence that the council, as a public body, has met its reporting duty on biodiversity over the three-year period (2018 to 2020); and
3. Agree to publicise the report on the council's website as advised by the Scottish Government.

Decision

To approve the terms of the report.

14 SCHEME OF ELECTED MEMBERS REMUNERATION, ALLOWANCES
AND REIMBURSEMENT OF EXPENSES

The Council Executive considered a report (copies of which had been circulated) by the Head of Corporate Services requesting approval for the adoption of a Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2021/22.

It was recommended that the Council Executive approve the revised Scheme of Elected Members Remuneration, Allowances and Reimbursement of Expenses for 2021/22 as set out in Appendix 1 of the report.

Decision

To approve the terms of the report.

15 2020/21 HOUSING CAPITAL REPORT – MONTH 9 MONITORING
REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on the

financial position in relation to the Housing Capital Programme following the completion of the month 9 monitoring exercise.

It was recommended that Council Executive note the outcome of the month 9 monitoring exercise and the projected outturn for 2020/21.

Decision

To note the terms of the report.

16 2020/21 HOUSING REVENUE ACCOUNT – MONTH 9 MONITORING REPORT

The Council Executive considered a report (copies of which had been circulated) by the Depute Chief Executive providing an update on financial performance following the month 9 monitoring exercise.

It was recommended that Council Executive note the outcome of the month 9 monitoring exercise and the projected outturn for 2020/21.

Decision

To note the terms of the report.

17 CONSULTATION ON CYCLE 2 OF THE FORTH ESTUARY FLOOD RISK MANAGEMENT STRATEGY AND PLAN – UPDATE ON WEST LOTHIAN COUNCIL'S ACTIONS

The Council Executive considered a report (copies of which had been circulated) by the Head of Operational Services advising members of the proposed Flood Risk Management Actions for the Council for Cycle 2 of the Flood Risk Management (Scotland) Act 2009, and informing members of the delayed launch of the full public consultation on the Draft 2021–2027 Forth Estuary Flood Risk Management Strategy and the Draft 2022–2028 Forth Estuary Flood Risk Management Plan.

It was recommended that the Council Executive note the draft prioritised actions for the council and the revised public consultation dates for the Cycle 2 Forth Estuary Flood Strategy and Plan.

Decision

To note the terms of the report.

18 ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

The Council Executive noted the action taken in terms of Standing Order 31 (urgent business) to provide approval for the following:

- a. Suspension of the face-to-face elements of the Unpaid Work Order Scheme operated by the Criminal and Youth Justice Service as recommended by the Head of Social Policy in her report dated 13 January 2021; and
- b. Service delivery plans for the provision of free school meals to children eligible for the 10-day period from 1 to 12 February 2021, and for the increase of the previously agreed holiday payment of £10 per eligible child during the February Half Term Holiday 2021 to £15 per eligible child for the period from 15 to 19 February 2021 (inclusive of the February Half Term Holiday) as recommended by the Depute Chief Executive in his report dated 29 January 2021.